

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

SYMBOLGY INNOVATIONS, LLC	§	
	§	
Plaintiff,	§	Case No: 2:15-cv-01169-JRG-RSP
	§	
vs.	§	LEAD CASE
	§	
ADAMS EXTRACT	§	PATENT CASE
	§	
Defendant.	§	
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SYMBOLGY INNOVATIONS, LLC	§	
	§	
Plaintiff,	§	Case No: 2:15-cv-01225-JRG-RSP
	§	
vs.	§	CONSOLIDATED CASE
	§	
BALLY TOTAL FITNESS CORP.	§	PATENT CASE
	§	
Defendant.	§	
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**UNOPPOSED MOTION TO DISMISS DEFENDANT
BALLY TOTAL FITNESS CORP. WITH PREJUDICE**

Pursuant to Rule 41(a) of the Federal Rules of Civil Procedure and the terms of a separate final written agreement entered into by the parties (“Settlement Agreement”), Plaintiff Symbolgy Innovations, LLC (“Symbolgy”) files this Unopposed Motion to Dismiss Defendant Bally Total Fitness Corp. (“Bally”) with Prejudice. All claims between the parties have been resolved. The parties stipulate to the Court retaining jurisdiction to enforce the terms of the Settlement Agreement.

Wherefore, Symbolgy moves this Court to dismiss this action and all claims by Symbolgy against Bally with prejudice, with each party to bear its own costs, attorney’s fees and expenses and request that the Court enter the proposed order of dismissal submitted herewith.

[Symbolgy further moves the Court to retain jurisdiction to enforce the terms of the Settlement Agreement.](#)

Dated: November 13, 2015

Respectfully submitted,

/s/ Jay Johnson

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ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF CONFERENCE

The undersigned, counsel for Plaintiff, certifies that on November 13, 2015, he met and conferred with Mr. David Lindner, counsel for Defendant, regarding this motion, and that Mr. Lindner agreed to the motion.

/s/ Jay Johnson

Jay Johnson

CERTIFICATE OF SERVICE

The undersigned certifies that all counsel of record who have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3) on November 13, 2015.

/s/ Jay Johnson

Jay Johnson